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MEMO ENDORSED

USDC SDNY

DOCUMENT

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DATE FILED: 3/21/08

March 20, 2008

*Counsel to meet +
 confer on All issues prior
 to 3/27/08 conference @ 9:00
 AM in room 14A.*

Our Ref: 69-08/EEL

*ALSO ADMITTED IN NEW JERSEY
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BY HAND

Hon. Richard M. Berman
 United States District Judge
 Daniel Patrick Moynihan U.S. Courthouse
 500 Pearl Street, Room 650
 New York, NY 10007

SO ORDERED:

Date: 3/20/08

Richard M. Berman
Richard M. Berman, U.S.D.J.

Re: San Juan Navigation (Singapore) Pte. Ltd. v. Trans Power Co., Ltd.
 08 CV 1562 (RMB)

Dear Judge Berman:

We represent the Plaintiff San Juan Navigation (Singapore) Pte. Ltd. in this matter. The purpose of this letter is to request a pre-motion conference relating to Plaintiff's Request pursuant F.R.C.P. Rule 15(a)(2) to amend its Complaint.

Plaintiff filed an Amended Verified Complaint on February 15, 2008. In paragraph 18 of that Complaint, Plaintiff indicated that it "expects to incur additional losses relating to vessel damages described in paragraph 13 above, although the amount of such damages has not yet been determined." These damages relate to the vessel's hull and equipment, including expensive shell plate repairs. These damages have now been repaired by the head owner of the vessel and head owner has just advised San Juan Navigation (Singapore) Pte. Ltd. of the amounts involved, which exceed \$1,000,000. The Second Amended Complaint

will include these additional amounts, which were not known at the time of the filing of the Amended Complaint, with a prayer for additional Rule B security relating to these additional damages.

Plaintiff submits that the Court should grant leave for such a Second Amended Complaint. Rule 15(a)(2) provides, "The Court should freely give leave when justice so requires." The reason for not including the claim amount in the Amended Complaint was that the extent of the damage was simply not known at the time of filing and would have been too speculative. This request should be granted, as it is within the standard set forth in decisions such as Foman v. Davis, 371 U.S. 178, 182, 83 S.Ct. 227, 9 L.Ed. 2d 222 (1962) and Pangburn v. Culbertson, 200 F.3d 65 (2nd Cir. 1999). There is no prejudice to the Defendant, since it was already on notice of the type of damage being claimed, set forth in the earlier pleading. Lowrey v. Texas A & M University System, 117 F.3d 242, 246 (5th Cir. 1997).

We respectfully request that the pre-motion conference currently scheduled for 9:00 a.m. on March 24, 2008 relating to Defendant's Supplemental Rule E motion also constitute the pre-motion conference for Plaintiff's Cross-Motion set forth above. If this time provides inadequate notice to opposing counsel due to the upcoming Easter holiday weekend, we are agreeable to another more suitable time or date.

Respectfully submitted,
FREEHILL HOGAN & MAHAR LLP



Eric E. Lenck

EEL:hr

Cc: Blank Rome LLP
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